

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA and  
THE STATE OF WISCONSIN,

Plaintiffs,

v.

Case No. 10-C-910

NCR CORPORATION, et al.,

Defendants.

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**ORDER AUTHORIZING COURT REGISTRY ACCOUNT DISBURSEMENTS  
PURSUANT TO CONSENT DECREE WITH  
CASHOUT SETTLING DEFENDANTS AND THE STATE OF WISCONSIN**

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Certain settling parties have paid a total of \$54,100,000 into a Court Registry Account as prescribed by a Consent Decree with Cashout Settling Defendants and the State of Wisconsin that was lodged with the Court (Dkt. 924-1) and a subsequent Order entered by the Court (Dkt. 926). The settlement payments required by the Consent Decree were made by the City of Appleton, CBC Coating, Inc., Menasha Corporation, the Neenah-Menasha Sewerage Commission, U.S. Paper Mills Corp., WTM I Company, and the State of Wisconsin. The Court approved and entered the Consent Decree on February 6, 2015 (Dkt. 961, 983). The 60-day deadline for appealing the Court's entry of the Consent Decree under Fed. R. App. P. 4(a)(1)(B) expired on April 7, 2015, and no notices of appeal were filed.

The Plaintiffs have now filed a Motion asking the Court to authorize the disbursement of the settlers' payments (plus accrued interest) to Plaintiffs, as envisioned by that Consent Decree

concerning the Lower Fox River and Green Bay Superfund Site (the “Site”).

NOW, THEREFORE, in light of the Plaintiffs’ Motion, and good cause appearing, IT IS HEREBY ORDERED:

1. Consistent with Paragraphs 6 and 8 of the Consent Decree, the \$54,100,000 that was paid into the Court Registry Account (and all accrued interest on that deposit) shall be disbursed to the United States and the State of Wisconsin after entry of this Order, as follows:

a. \$47,050,000 (plus the corresponding interest on that amount) shall be disbursed to the United States; and

b. \$7,050,000 (plus the corresponding interest on that amount) shall be disbursed to the State of Wisconsin.

2. The United States and the State of Wisconsin shall provide the Financial Manager in the Clerk’s Office payment instructions to facilitate the Court Registry Account disbursements described above.

3. Pursuant to 28 U.S.C. § 1914(b) and the Judicial Conference Schedule of Fees, no fees shall be charged for the services rendered in conjunction with this use of a Court Registry Account.

4. For the amount disbursed to the United States under Subparagraph 1.a, the United States shall ensure that the total amount is allocated such that: (i) \$1,375,000 (plus all accrued interest on that portion of the total) shall be deposited in the Lower Fox River and Green Bay Superfund Site Special Account within the EPA Hazardous Substance Superfund, to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund; (ii) \$4,650,000 (plus all accrued interest on that amount) shall be deposited in the U.S. Department of the Interior’s Natural Resource Damage

Assessment and Restoration Fund, to defray natural resource damage assessment costs incurred by DOI; and (iii) \$41,025,000 (plus all accrued interest on that portion of the total) shall be deposited in a Site-specific sub-account within DOI's Natural Resource Damage Assessment and Restoration Fund, to be managed by DOI for the joint benefit and use of the Federal, State, and Tribal Natural Resource Trustees to pay for natural resource restoration projects jointly selected by the Trustees and/or to be applied toward natural resource damage assessment costs incurred by DOI and the State.

5. For the amount disbursed to the State of Wisconsin under Subparagraph 1.b, the State shall ensure that the total amount is deposited in a segregated fund under the direction of WDNR, to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred to the EPA Hazardous Substance Superfund.

**SO ORDERED** this 15th day of April, 2015.

/s William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court